

JOURNAL OF THE SENATE OF TEXAS.

FIFTEENTH LEGISLATURE.

SENATE CHAMBER,
AUSTIN, TEXAS, April 18, 1876. }

In obedience to the requirements of the new Constitution of the State of Texas, submitted by the Constitutional Convention of the State that convened in the Capitol in the city of Austin, on the 6th day of September, 1875, and adopted by the people at a general election, held on the 15th day of February, 1876, the Senate of the Fifteenth Legislature of the State of Texas convened in the city of Austin, at 11 A. M. this day, and was called to order by Lieutenant-Governor Hubbard, President of the Senate.

Prayer by Rev. W. H. Dodge, of Austin.

The Districts were called numerically. The following Senators elect answered to their names, presented their credentials, and took the oath of office prescribed by the Constitution :

- District No. 1.—Edwin Hobby.
- District No. 2.—P. F. Edwards.
- District No. 3.—J. W. Motley.
- District No. 4.—Walter Ripetoc.
- District No. 5.—F. M. Henry.
- District No. 6.—W. A. Wortham.
- District No. 7.—
- District No. 8.—C. C. Francis.
- District No. 9.—C. D. Grace.
- District No. 10.—B. D. Martin.
- District No. 11.—Wm. Blassingame.
- District No. 12.—F. E. Piner.
- District No. 13.—R. S. Guy.
- District No. 14.—J. R. Henry.
- District No. 15.—T. J. McCulloch.
- District No. 16.—Tilman Smith.

District No. 17.—W. M. Burton.
District No. 18.—J. T. Brady.
District No. 19.—A. P. McCormick.
District No. 20.—J. W. Carroll.
District No. 21.—W. M. Brown.
District No. 22.—J. W. Moore.
District No. 23.—Thomas Ball.
District No. 24.—J. D. Stephens.
District No. 25.—A. W. Terrell.
District No. 26.—Wm. H. Ledbetter.
District No. 27.—Wells Thompson.
District No. 28.—W. H. Crane.
District No. 29.—J. S. Ford.
District No. 30.—J. H. McLeary.
District No. 31.—L. J. Story.

The President of the Senate addressed the Senate as follows :

Gentlemen of the Senate :

Neither the occasion, your presence, nor the circumstances under which you assemble, require an extended address at my hands, nor is it necessary that I should allude to the exciting political scenes through which we have recently passed.

Thirty years have elapsed since the organization of a State Government of Texas, and during that period many have been our vicissitudes of fortune. I congratulate you on the favorable auspices under which you have assembled. How much nobility in the knighthood of valor, and in the grandeur of statesmanship, is illustrated in our history. Some of them are asleep in their graves; a few connecting links, between the past and the present, remain.

I congratulate you upon the greatness of your State, embracing in its broad limits nearly three hundred thousand square miles, with a soil as rich as any that the eye of husbandman ever rested upon, and a climate unsurpassed in geniality and salubrity by that of any country upon earth.

You, as her Representatives, are expected to see to it that her reputation does not suffer at your hands. Much is expected of this Senate, much is required of you, and you will indeed be unfortunate if you do not, at the close of the session, receive from your grateful constituents the meed of applause, in the plaudit of "Well done, good and faithful servants!"

It is your duty to foster works of Internal Improvement, to preserve the laws, and to see that they are faithfully executed. These duties weigh upon your shoulders. That you will be equal to the demands of the present, I doubt not. The past history of many of you, who have won well deserved reputations in science, at the bar, and in the Legislative Halls, gives assurance of that fact. With a devotion surpassing the love of woman, your services have been given to your State.

When your labors are closed, I trust you will return to your homes armed with the respect and love of your fellow-citizens.

Above all, remember that we have a country, that whatever may have been the history of the past, it is still *our country*, holding all our hopes for the future.

I now declare the Senate organized for the transaction of business.

The Senate then proceeded to an organization; and nominations for Secretary being in order, Senator Wortham put in nomination the name of Leigh Chalmers, of Travis county.

Senators Grace, McLeary and Terrell were appointed tellers.

The first ballot was then had, with the following result:

Leigh Chalmers, 29.

Mr. Chalmers having received a majority of all the votes, was declared duly elected Secretary of the Senate.

Nominations being in order for First Assistant Secretary of the Senate, Senator Moore nominated W. A. Fields, of Comanche county. Senator Guy nominated John W. Swindells, of Dallas. Senator Ford nominated Will Lambert, of Harris county.

The first ballot was had with the following result:

W. A. Fields, 11; John W. Swindells, 12; Will Lambert, 6.

There being no election, the Senate proceeded to a second ballot, with the following result: W. A. Fields, 12; John W. Swindells, 13; Will Lambert, 5.

Senator Ford withdrew the name of Will Lambert.

There being no election, the Senate proceeded to a third ballot, with the following result:

W. A. Fields, 13; John W. Swindells, 14.

Mr. Swindells having received a majority of all the votes cast, was declared duly elected First Assistant Secretary of the Senate.

Nominations being in order for Second Assistant Secretary, Senator Moore nominated Nat. Q. Henderson. Senator Storey nominated Thos. J. Pilgrim. Senator Motley nominated Neal Raney, of Shelby county.

The first ballot resulted as follows:

Nat. Q. Henderson, 4; Mr. Pilgrim, 9; Neal Raney, 17.

Mr. Raney having received a majority of all the votes cast, he was declared duly elected Second Assistant Secretary.

Nominations being in order for Engrossing Clerk, Senator Moore nominated C. F. Maillot, of Travis county. Senator Hobby nominated A. M. Belvin, of Bexar county. Senator Ford nominated G. H. Crozier, of Travis county. Senator Stevens nominated W. H. Hays, of Galveston. Senator Carroll nominated T. A. Thompson, of Burleson county. Senator Edwards nominated J. H. Reed.

First ballot—C. F. Maillot, 1; A. M. Belvin, 9; G. H. Crozier, 3; W. H. Hays, 6; J. H. Reed, 7.

There being no election, the Senate proceeded to a second ballot.

Senator Moore withdrew the name of C. F. Maillot.

Second ballot—J. H. Reed, 10; A. M. Belvin, 9; W. H. Hays, 6; T. A. Thompson, 3; G. H. Crozier, 2.

There still being no election, the Senate proceeded to a third ballot, with the following result:

A. M. Belvin, 12; J. H. Reed, 9; W. H. Hays, 6; T. A. Thompson, 2.

Senator Carroll withdrew the name of Mr. T. A. Thompson.

The Senate proceeded to a fourth ballot, with the following result:

A. M. Belvin, 14; J. H. Reed, 11; W. H. Hays, 4.

Senator Stephens withdrew the name of W. H. Hays.

The Senate then proceeded to a fifth ballot, with the following result:

A. M. Belvin, 18; J. H. Reed, 11.

Mr. Belvin having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

Nominations being in order for Enrolling Clerk, Senator Carroll nominated G. N. Beaumont, of Travis county.

The Senate proceeded to ballot, with the following result :

G. N. Beaumont, 29.

Mr. Beaumont having received a majority of all the votes cast, he was declared duly elected Enrolling Clerk of the Senate.

Nominations being in order for Calendar Clerk, Senator Piner nominated E. J. Chew, of Marion county.

Senator Wortham nominated N. M. Harrison, of Upshur county.

Senator Terrell nominated Wallace Badger, of Travis county.

Senator Storey nominated Paul McCombs, of Galveston.

The first ballot resulted as follows :

E. J. Chew, 17; Wallace Badger, 3; N. M. Harrison, 8; Paul McCombs, 2.

Mr. Chew having received a majority of all the votes cast, was declared duly elected Calendar Clerk of the Senate.

Nominations being in order for Sergeant-at-Arms, Senator Ledbetter nominated Mr. J. B. Wilkins, of Washington county.

Senator Henry of Limestone nominated Joe. A. Owens, of Galveston.

Senator McCulloch nominated F. L. Roche, of Travis county.

Senator Brady nominated J. M. Wade, of Montgomery county.

Senator Francis nominated G. T. Walker, of Smith county.

Senator Motley nominated T. M. Bowers, of Panola county.

Senator Henry of Cass nominated G. W. Dawson, of Marion county.

The first ballot was had, with the following result :

Wilkins, 6; Owens, 6; Roche, 6; J. M. Wade, 1; Bowers, 4; Dawson, 5.

Senator Brady withdrew the name of Mr. Wade.

There being no election, the Senate proceeded to a second ballot, with the following result :

Wilkins, 9; Owens, 8; Roche, 4; Wade, 1; Walker, 2; Bowers, 2; Dawson, 3.

There still being no election, the Senate proceeded to a third ballot. The following was the result :

Wilkins, 8; Owens, 2; Roche, 5; Dawson, 3; Bowers, 4.

There still being no election, the Senate proceeded to a fourth ballot :

Wilkins, 2; Owens, 9; Roche, 4; Dawson, 5; Bowers, 2.

There being no election, the Senate balloted the fifth time, with the following result :

Wilkins, 11; Owens, 12; Roche, 2; Bowers, 2; Walker, 2; Dawson, 1.

There being no election, the Senate proceeded to a sixth ballot, with the following result :

Owens, 12; Wilkins, 12; Roche, 1; Bowers, 1; Dawson, 1.

Senator Motley withdrew the name of Mr. Bowers.

There being no election, the Senate proceeded to a seventh ballot. The following was the result :

Owens, 14; Wilkins, 14; Roche, 1; Walker, 1.

There still being no election, the Senate balloted the eighth time, with the following result :

Owens, 13; Wilkins, 13; Roche, 2.

No election. The Senate proceeded with the ninth ballot. The following was the result:

Wilkins, 13; Owens, 14; Roche, 2.

No election. The Senate then balloted the tenth time. The following was the result:

Wilkins, 15; Owens, 12; Roche, 1; Dawson, 1.

Mr. Wilkins having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the Senate.

Nominations being in order for Assistant Sergeant-at-Arms, Senator Smith nominated F. M. McDonald, of Grimes county.

Senator Martin nominated J. A. Hardin, of Rockwall county.

Senator Brown nominated G. W. Moore, of Travis county.

Senator Henry of Limestone, nominated G. B. Coopender, of Guadalupe county.

Senator Ford nominated L. Sublett, of Travis county.

Senator McCulloch nominated F. T. Roche, of Travis county.

Senator Ledbetter nominated L. E. Daniel, of Caldwell county.

Senator Crain nominated H. H. Glenn, of Victoria county.

The first ballot was had with the following result:

McDonald, 7; Hardin, 7; Moore, 2; Coopender, 2; Sublett, 1; Roche, 2; Daniel, 4; Glenn, 4.

There being no election, the Senate balloted the second time. The following was the result:

McDonald, 8; Hardin, 9; Moore, 2; Roche, 3; Coopender, 1; Daniel, 3; Glenn, 3.

No election.

On motion of Senator McLeary, the Senate (at 1:35 p. m.) adjourned until 3 o'clock p. m.

— EVENING SESSION—3 p. m.

Senate met pursuant to adjournment. Roll called. Quorum present.

The pending business on adjournment being the election of an Assistant Sergeant-at-Arms, the Senate proceeded to a third ballot for said office.

Senator Henry of Limestone, withdrew the name of Mr. Coopender.

The third ballot resulted as follows:

McDonald, 7; Harrison, 7; Roche, 1; Daniel, 6; Glenn, 2.

There being no election, the Senate balloted the fourth time, with the following result:

McDonald, 6; Hardin, 12; Roche, 1; Daniel, 4; Glenn, 1.

Senator Stephens withdrew the name of Mr. Roche.

Senator Ball withdrew the name of Mr. Daniel.

The Senate then proceeded with the fifth ballot. The vote stood as follows:

McDonald, 4; Hardin, 15; Moore, 1; Glenn, 3; Daniel, 2.

Mr. Hardin having received a majority of all the votes, was declared duly elected Assistant Sergeant-at-Arms of the Senate.

Nominations being in order for Doorkeeper, Senator Francis nominated W. H. Lusk, of Cherokee county.

Senator Grace nominated A. S. Mangum, of Grayson county.

Senator Motley nominated B. Boggess, of Rusk county.

Senator Ball nominated J. P. Ferrell.

Senator Piner nominated William Fitzhugh, of Collin county.

The first ballot resulted as follows:

Lusk, 5; Mangum, 2; Fitzhugh, 8; Boggess, 7; Ferrell, 2; Miller, 2.
No election.

Senator Brady withdrew the name of Mr. Ferrell.

Senator Ford nominated George Davis, of Travis county.

The Senate balloted the second time with the following result:

Lusk, 3; Mangum, 2; Fitzhugh, 9; Boggess, 8; Miller, 1; Davis, 1.
Still no election.

Senator Ford withdrew the name of Mr. Davis.

Senator Thompson nominated Mr. Cooper, of Colorado county.

The third ballot resulted as follows:

Mangum, 1; Fitzhugh, 11; Boggess, 7; Cooper, 9.

No election.

The Senate then balloted the fourth time with the following result:

Mangum, 1; Fitzhugh, 12; Boggess, 5; Cooper, 10.

No election.

Senator Grace withdrew the name of Mr. Boggess.

Senator Motley withdrew the name of Mr. Mangum.

The Senate balloted the fifth time with the following result:

Fitzhugh, 17; Cooper, 12.

Mr. Fitzhugh having received the majority of all the votes cast, was declared duly elected Doorkeeper of the Senate.

Nominations being in order for Chaplain, Senator Terrell nominated Rev. W. H. Dodge, of Travis county.

Senator Brady nominated Rev. Mr. Jno. L. Lovejoy, of Denton.

Senator Storey nominated Rev. Mr. Hillyer.

The first ballot resulted as follows:

Mr. Dodge, 3; Mr. Lovejoy, 18; Mr. Hillyer, 8.

Mr. Lovejoy having received a majority of all the votes cast, was declared duly elected Chaplain of the Senate.

The officers elect came forward, and the President administered the oath of office.

Senator Smith offered the following resolution:

Resolved, That the rules adopted and enforced by the Senate of the Fourteenth Legislature of the State of Texas be adopted and enforced as the rules of procedure for this body until otherwise provided.

Adopted.

Senator Hobby offered the following resolution:

Resolved, That a committee of three be appointed to wait upon and inform His Excellency, the Governor, that the Senate is organized, and ready to receive any message he may desire to transmit.

Adopted.

The President appointed as said Committee, Senators Hobby, Terrell and Storey.

Senator Piner offered the following resolution:

Resolved, That the Senate now proceed to the election of a President, *pro tempore*, in accordance with Section 9, Art. 3, of the Constitution of the State of Texas.

Lost.

Senator Ledbetter offered the following resolution:

Resolved, That the Sergeant-at-Arms furnish the members of the Senate a copy each of Paschal's Digest of the Statutes, and also a copy to each Senator, of the new Constitution.

Adopted.

Senator Ford offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to contract with the Capitol Ice Company for such daily supply of ice as may be required for the use of the Senate ; at not exceeding two cents per pound.

Senator Grace moved to amend by striking out the words, "with the Capitol Ice Company."

Accepted.

The resolution, as amended, was then adopted.

The Secretary of the Senate was instructed to inform the House that the Senate is now organized and ready to proceed to business, and would receive any communication they had to make.

The President announced the following as the Committee on Revision of Rules of Senate :

Senators Thompson, Hobby, Smith, Northam, Stephens, Storey, McLeary, Brady, and Henry of Limestone.

Senator Hobby, Chairman Special Committee to inform the Governor of the organization of the Senate, reported that the Committee had performed the duty assigned them, and that the Governor would communicate with the Senate as soon as he received notice of the organization of the House.

On motion of Senator Ledbetter, the Senate, at 4:50 P. M., adjourned until 9 A. M., to-morrow.

SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 19, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. Jno. L. Lovejoy, Chaplain elect of the Senate.

Journal of yesterday read and adopted.

The President then announced the following Standing Committees of the Senate for the present session :

STANDING COMMITTEES.

JUDICIARY No. 1.—Hobby, Chairman ; Terrell, Storey, McLeary, Grace, Henry of Cass, Edwards, Ball, Ledbetter.

JUDICIARY No. 2.—Piner, Chairman ; Thompson, Guy, Smith, Douglas, Stephens, Crain, McCormick.

CONSTITUTIONAL AMENDMENTS.—Smith, Chairman ; Storey, McLeary, Thompson, Terrell, Edwards, Henry of Cass, Guy, Grace, Stephens, Piner, Hobby, Martin, Henry of Limestone.

EDUCATIONAL AFFAIRS.—Terrell, Chairman ; Thompson, Francis, Brady, Hobby, McLeary, Wortham, Ball, Henry of Limestone, Brown, Storey, McCulloch.